

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL NO. 2724

16-MD-2724

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFE

Direct Purchaser Class Plaintiffs' Actions

**UNOPPOSED MOTION FOR APPROVAL OF PROPOSED CLAIM FORM
FOR DPPS' SUN AND TARO SETTLEMENTS**

Direct Purchaser Class Plaintiffs César Castillo, LLC, FWK Holdings, LLC, Rochester Drug Cooperative, Inc., and KPH Healthcare Services, Inc. a/k/a Kinney Drugs, Inc. ("DPPs") by and through their undersigned counsel, respectfully submit this unopposed motion for approval of the attached proposed Claim Form for the Direct Purchaser Plaintiffs' Settlements with Sun and Taro. *See* Exhibit 1 attached hereto. DPPs conferred with Settling Defendants Sun Pharmaceutical Industries, Inc. and its affiliates (Caraco Pharmaceutical Laboratories, Mutual Pharmaceutical Company, Inc., and URL Pharma, Inc.) and Taro Pharmaceuticals U.S.A., Inc., who do not oppose this relief.

The proposed Claim Form is materially consistent with DPPs' Plan of Allocation that this Court approved on March 9, 2023. ECF No. 2388. It describes the DPPs' Settlements with Sun and Taro ("Settlements"), and the Court's certification of a Settlement Class on May 11, 2022. Exhibit A of the proposed Claim Form provides a list of all Named Generic Drugs in MDL 2724 and a URL

where the associated National Drug Codes (“NDCs”) may be found¹, and Exhibit B provides a list of all Named Defendants.

DPPs’ experts have generated a list of Settlement Claimants based on analysis of Defendants’ sales data. The attached proposed Claim Form will be mailed to all identified Settlement Claimants, and each individual Claim Form will be prepopulated with the contact information of the recipient Claimant and the dollar amount of the claimant’s anticipated *pro rata* share of the net Settlement Fund. In addition to direct mailing, a blank version of the proposed Claim Form will be posted on the Settlement Website, where the Plan of Allocation, list of Named Drugs in MDL 2724 with associated NDC codes, and other important documents are already available. See Exhibit 2 attached hereto. The blank version will enable any claimant who did not receive a pre-populated claim form to submit a claim.

Each mailed Claim Form will display a dollar-figure sum representing the recipient Claimant’s anticipated *pro rata* share of the net Settlement Fund. As the Claim Form explains, the anticipated *pro rata* share may change subject to the number of Claimants who return completed Claim Forms, any interest accruing during the pendency of the claims process, and additional Claimants that were not identified by Defendants’ sales data.

¹ DPPs’ Plan of Allocation indicated that the Claim Form would include the list of National Drug Codes (“NDCs”) associated with the Named Generic Drugs. ECF No. 2010-7 at § 1.1. Because there are thousands of unique NDCs for the Named Generic Drugs, the associated list would be more than 80 pages even with extremely small font thereby greatly increasing administrative costs of mailing. Consequently, DPPs have posted the list of NDCs on the Settlement Website and respectfully request that the Court approve a modification to the original proposal, whereby Claimants are directed to the Settlement Website for the list of NDCs.

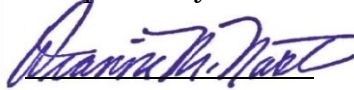
Any Claimant that was not identified as a member of the Settlement Class through analysis of Defendants' sales data will have the ability to submit a Claim Form through the Settlement Website. DPPs will endeavor to determine whether any such submissions represent valid requests by Claimants for inclusion in the Settlements. If DPPs can confirm a prospective Claimant's status following an online submission of a Claim Form, DPPs will then calculate the associated *pro rata* allocation for that Claimant and provide it to that Claimant for review.

All Claimants will be instructed to return executed Claim Forms within 90 days of the date of mailing in order for their claim forms to be considered in the claims process. The proposed Claim Form provides detailed return mailing instructions for recipient Claimants.

DPPs respectfully request approval of the attached Claim Form.

June 29, 2023

Respectfully submitted,



Dianne M. Nast
NASTLAW LLC
1101 Market Street, Suite 2801
Philadelphia, Pennsylvania 19107
(215) 923-9300
dnast@nastlaw.com

*Lead and Liaison Counsel
for Direct Purchaser Plaintiffs*

David F. Sorensen
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103
(215) 875-3000
dsorensen@bm.net

Thomas M. Sobol
HAGENS BERMAN SOBOL SHAPIRO LLP
1 Faneuil Hall Sq, 5th Floor
Boston, Massachusetts 02109
(617) 482-3700
tom@hbsslaw.com

Robert N. Kaplan
KAPLAN FOX & KILSHEIMER LLP
800 Third Avenue
New York, New York 10022
(212) 687-1980
rkaplan@kaplanfox.com

Linda P. Nussbaum
NUSSBAUM LAW GROUP, PC
1211 Avenue of the Americas, 40th Floor
New York, New York 10036
(917) 438-9189
lnussbaum@nussbaumpc.com

Michael L. Roberts
ROBERTS LAW FIRM P.A.
20 Rahling Circle
Little Rock, Arkansas 72223
(501) 821-5575
mikeroberts@robertslawfirm.us

Direct Purchaser Plaintiffs' Steering Committee